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09/929,921	08/15/2001	Steven Neil Tischer	010159	1134

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EXAMINER	
HASHEM, LISA	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/929,921	TISCHER, STEVEN NEIL	
	Examiner	Art Unit	
	Lisa Hashem	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19,28-31,36 and 37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19, 28-31, 36, and 37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 30 is objected to because of the following informalities: The term 'hingedly' in claim 30 is not spelled correctly as an adjective and is not a word. Appropriate correction is required.

2. Claim 31 is objected to because of the following informalities: The claim depends on a cancelled claim. Examiner assumes that claim 31 depends on claim 28. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3-7, 10, 12, 13, 15-18, 28-30, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,307,511 by Ying et al, hereinafter Ying in view of U.S. Patent No. 5,014,346 by Phillips et al, hereinafter Phillips.

Regarding claim 1, Ying discloses a protector for a portable wireless communication device (Fig. 2, 10) that has a housing (Fig. 2, 12) and a keypad (Fig. 2, 22) and contains at least one signal processing circuit (col. 2, lines 30-34; col. 5, lines 22-24), said protector comprising: a cover pivotally attached to the housing such that said cover is pivotable from a first position wherein it covers the keypad to another position wherein the keypad is exposed; and

a planar antenna attached to the exterior of both the cover and the housing where the planar antenna is coupled to the signal processing circuit (Fig. 2, 14; col. 2, lines 24-34; col. 3, lines 56-64; col. 4, line 24 – col. 5, line 40).

Ying clearly discloses a planar antenna coupled to the signal processing circuit. However, Ying does not disclose the planar antenna is capacitively coupled to the signal processing circuit.

Phillips discloses a protector for a portable wireless communication device (Fig. 1, 10) that has a housing (Fig. 1, 11) and a keypad (Fig. 2, 16) and contains at least one signal processing circuit (col. 3, lines 11-13), said protector comprising:

a cover (Fig. 1, 18) pivotally attached to the housing (Fig. 1, 20) such that said cover is pivotable from a first position wherein it covers the keypad to another position wherein the keypad is exposed (col. 3, lines 3-14); and

a planar antenna (Fig. 1, 24) attached to the exterior of the housing where the planar antenna is capacitively coupled to the signal processing circuit

such that the planar antenna is electromagnetically coupled to the signal processing circuit without being physically coupled to the signal processing circuit (col. 1, lines 9-13; col. 1, lines 38-40; col. 1, lines 48-51; col. 1, lines 55-60; col. 2, lines 16-24; col. 3, line 15 – col. 4, line 60).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the protector of Ying to include the planar antenna is capacitively coupled to the signal processing circuit as taught by Phillips. One of ordinary skill in the art would have been lead to make such a modification to electromagnetically couple the planar antenna to the

signal processing circuit in order for the planar antenna to be easily removed from the wireless communication device without the use of tools.

Regarding claim 3, the protector of claim 1, wherein Ying further discloses said antenna is laminated to said cover (Fig. 5, 14; col. 4, line 66 – col. 5, line 3).

Regarding claim 4, the protector of claim 3, wherein Ying further discloses said antenna is fabricated from a metal tape (electrically conductive material) (col. 2, lines 24-34; col. 4, line 24 – col. 5, line 40).

Regarding claim 5, the protector of claim 4, wherein Ying further discloses said antenna is inherently fabricated from aluminum tape, wherein aluminum is a metal (col. 2, lines 24-34; col. 4, line 24 – col. 5, line 40).

Regarding claim 6, the protector of claim l, wherein Ying further discloses said antenna comprises conductive particulate material (electrically conductive material) attached to said cover (col. 2, lines 24-34; col. 4, line 50 – col. 5, line 12).

Regarding claim 7, the protector of claim 6, wherein Ying further discloses said conductive particulate material is embedded in said cover (col. 2, lines 24-34; col. 4, line 50 – col. 5, line 12).

Regarding claim 10, the protector of claim 1, wherein Ying further discloses an overlay layer covering at least portion of said antenna (col. 2, lines 24-34; col. 4, line 50 – col. 5, line 12).

Regarding claim 12, the protector of claim l, wherein Ying further discloses said antenna is embedded in said cover (col. 2, lines 24-34; col. 4, line 50 – col. 5, line 12).

Regarding claim 13, the protector of claim 12, wherein Ying further discloses said antenna comprises a metallic screen (electrically conductive material) (see Figure 5; col. 4, line 66 – col. 5, line 40).

Regarding claim 15, the protector of claim 1, wherein Ying further discloses the housing inherently has a first color and said cover has said first color (see Fig. 2; col. 3, lines 28-38).

Regarding claim 16, the protector of claim 1, wherein Ying further discloses said cover has indicia provided thereon (Fig. 5, 14; col. 4, line 66 – col. 5, line 3).

Regarding claim 17, the protector of claim 1, wherein Ying further discloses said cover only covers a portion of said keypad when said cover is in said first position (col. 3, lines 5-13 and lines 28-38).

Regarding claim 18, the protector of claim 1, wherein Ying further discloses a biaser between said cover and a portion of the housing (Fig. 2, 26).

Regarding claim 28, Ying discloses a portable wireless communication device (Fig. 2, 10), comprising:

a housing (Fig. 2, 12); signal-receiving circuitry inherently in said housing (radio circuitry); signal-transmitting circuitry inherently in said housing (radio circuitry); and

an antenna movably attached to said housing and coupled to said signal-receiving circuitry and said signal-transmitting circuitry (see Figures 4-7; col. 2, lines 24-34; col. 3, lines 56-64; col. 4, line 24 – col. 5, line 40).

Ying clearly discloses a antenna coupled to said signal-receiving circuitry and said signal-transmitting circuitry. However, Ying does not disclose the antenna is capacitively coupled to said signal-receiving circuitry and said signal-transmitting circuitry.

Phillips discloses a portable wireless communication device (Fig. 1, 10), comprising:

a housing (Fig. 1, 11);

signal-receiving circuitry in said housing (RF signal processor);

signal-transmitting circuitry inherently in said housing (RF signal processor); and

an antenna (Fig. 1, 24) attached to said housing and capacitively coupled to said signal-receiving circuitry and said signal-transmitting circuitry without being physically coupled to the signal-receiving circuitry and signal-transmitting circuitry.

(col. 1, lines 9-13; col. 1, lines 38-40; col. 1, lines 48-51; col. 1, lines 55-60; col. 2, lines 16-24; col. 3, line 15 – col. 4, line 60).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the portable wireless communication device of Ying to include the antenna is capacitively coupled to said signal-receiving circuitry and said signal-transmitting circuitry as taught by Phillips. One of ordinary skill in the art would have been lead to make such a modification to electromagnetically couple the antenna to said signal-receiving circuitry and said signal-transmitting circuitry in order for the antenna to be easily removed from the wireless communication device without the use of tools.

Regarding claim 29, the portable wireless communication device of claim 28, wherein Ying further discloses said antenna comprises a metallic tape (electrically conductive material) attached to a exterior portion of said housing adjacent to said signal-transmitting and said signal-receiving circuitry (Fig. 5; col. 4, line 66 – col. 5, line 12), said metallic tape further attached to a cover movably affixed to said housing (see Figure 3; col. 2, lines 24-34; col. 3, lines 56-64; col. 4, lines 24-49).

Regarding claim 30, the portable wireless communication device of claim 28, wherein Ying further discloses said cover is hingedly attached to said housing (Fig. 2, 14; col. 3, lines 5-13 and lines 28-38).

Regarding claim 36, Ying discloses a method of protecting at least a portion of portion of a keypad (Fig. 2, 22) supported in the housing (Fig. 2, 12) of a portable wireless communication device (Fig. 2, 10), said method comprising demountably securing by hand a cover to the housing such that the cover may be selectively pivoted from a first position wherein at least portion of the keypad is covered to another position wherein the at least a portion of the keypad is exposed (col. 3, lines 5-13 and lines 28-38), wherein the portable wireless communication device inherently has signal-transmitting circuitry and signal-receiving circuitry (radio circuitry) therein and wherein said method comprises enhancing an ability of the signal-receiving circuitry to receive signals and enhancing an ability of the signal transmitting circuitry to transmit signals (col. 2, lines 24-34; col. 3, lines 56-64; col. 4, lines 24-49), wherein said enhancing comprises coupling an antenna to the signal-receiving circuitry and said signal-transmitting circuitry (col. 4, line 50 – col. 5, line 12).

Ying clearly discloses an antenna coupled to said signal-receiving circuitry and said signal-transmitting circuitry. However, Ying does not disclose the antenna is capacitively coupled to said signal-receiving circuitry and said signal-transmitting circuitry.

Phillips discloses a method of protecting at least a portion of portion of a keypad (Fig. 1, 16) supported in the housing (Fig. 1, 11) of a portable wireless communication device (Fig. 1, 10), said method comprising demountably securing by hand a cover (Fig. 1, 18) to the housing such that the cover may be selectively pivoted from a first

position wherein at least portion of the keypad is covered to another position wherein the at least a portion of the keypad is exposed (col. 1, lines 38-40; col. 1, lines 53-59; col. 2, lines 16-24), wherein the portable wireless communication device inherently has signal-transmitting circuitry and signal-receiving circuitry (RF signal processor) therein and wherein said method comprises enhancing an ability of the signal-receiving circuitry to receive signals and enhancing an ability of the signal transmitting circuitry to transmit signals (col. 3, lines 15-57), wherein said enhancing comprises capacitively coupling an antenna to the signal-receiving circuitry and said signal-transmitting circuitry such that the antenna is electromagnetically coupled to the signal-receiving circuitry and the signal-transmitting circuitry without being physically coupled to the signal-receiving circuitry and signal-transmitting circuitry (col. 1, lines 9-13; col. 1, lines 38-40; col. 1, lines 48-51; col. 1, lines 55-60; col. 2, lines 16-24; col. 3, line 15 – col. 4, line 60).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Ying to include the antenna is capacitively coupled to said signal-receiving circuitry and said signal-transmitting circuitry as taught by Phillips. One of ordinary skill in the art would have been lead to make such a modification to electromagnetically couple the antenna to said signal-receiving circuitry and said signal-transmitting circuitry in order for the antenna to be easily removed from the wireless communication device without the use of tools.

Regarding claim 37, the method of claim 36, wherein Ying further discloses said antenna is coupled to the cover and to the housing (col. 4, line 50 – col. 5, line 12).

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ying in view of Phillips, as applied to claim 1 above, respectively, and in further view of U.S. Patent No. 5,933,772 by Wolff.

Regarding claim 2, the protector of claim 1, wherein Ying further discloses said cover is pivotally attached to the housing (Fig. 2, 14; col. 3, lines 5-13 and lines 28-38).

Ying in view of Phillips do not disclose said cover is pivotally attached to the housing by adhesive tape.

Wolff discloses a protector for a portable wireless communication device (see Abstract; Fig. 11) that has a housing (Fig. 11, P) and a coin (Fig. 11, Q), said protector comprising: a cover (Fig. 11, 60) attached to the housing such that said cover covers the coin (see Fig. 11). Wherein, Wolff further discloses said cover is attached to the housing by adhesive tape (col. 5, lines 43-67).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the protector of Ying in view of Phillips to include a cover that is attached to the housing by adhesive tape as taught by Wolff. One of ordinary skill in the art would have been lead to make such a modification by since a cover provides protection can be simply attached to the housing by adhesive tape.

6. Claims 8, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ying in view of Phillips, as applied to claim 1 above, and in further view of U.S. Patent Application No. 2001/0012769 by Sirola et al, hereinafter Sirola.

Regarding claim 8, the protector of claim 1, wherein Ying does not disclose said cover is transparent (Fig. 2, 14).

Ying in view of Phillips do not disclose said cover is transparent.

Sirola discloses a protector for a portable wireless communication device (see Abstract) that has a housing (Fig. 1, 2) and an activation area (Fig. 2, 3a-3d), said protector comprising: a cover pivotally attached to the housing such that said cover is pivotable from a first position wherein it covers the activation area to another position wherein the activation area is exposed; and antenna attached to said housing (see Fig. 2). Wherein, Sirola further discloses said cover is transparent (section 0016, lines 3-40).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the protector of Ying in view of Phillips to include a cover that is transparent as taught by Sirola. One of ordinary skill in the art would have been lead to make such a modification by since a transparent cover provides protection to the keypad and the keypad can be viewed through the cover when the cover is in said first position.

Regarding claim 9, the protector of claim 1, wherein Ying in view of Phillips do not disclose said cover is translucent.

Sirola discloses a protector for a portable wireless communication device (see Abstract) that has a housing (Fig. 1, 2) and an activation area (Fig. 2, 3a-3d), said protector comprising: a cover pivotally attached to the housing such that said cover is pivotable from a first position wherein it covers the activation area to another position wherein the activation area is exposed; and antenna attached to said housing (see Fig. 2). Wherein, Sirola further discloses said cover is translucent (section 0021, lines 8-14).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the protector of Ying in view of Phillips to include a cover that is

translucent as taught by Sirola. One of ordinary skill in the art would have been lead to make such a modification by since a translucent cover provides protection to the keypad and the keypad can be partially viewed through the cover when the cover is in said first position.

Regarding claim 11, the protector of claim 10, wherein Ying further discloses said overlay layer covers at least a portion of said cover (Fig. 5, 14; col. 4, line 66 – col. 5, line 3).

Ying in view of Phillips do not disclose said overlay layer is transparent.

Sirola discloses a protector for a portable wireless communication device (see Abstract) that has a housing (Fig. 1, 2) and an activation area (Fig. 2, 3a-3d), said protector comprising: a cover pivotally attached to the housing such that said cover is pivotable from a first position wherein it covers the activation area to another position wherein the activation area is exposed; and antenna attached to said housing (see Fig. 2). Wherein, Sirola further discloses an overlay layer covers at least a portion of said cover and is transparent (section 0016, lines 3-40).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the protector of Ying in view of Phillips to include an overlay layer covers at least a portion of said cover and is transparent as taught by Sirola. One of ordinary skill in the art would have been lead to make such a modification since a transparent cover provides protection to the keypad and the keypad can be viewed through the cover when the cover is in said first position.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ying in view of Phillips, as applied to claim 1 above, and in further view of U.S. Patent No. 5,489,924 by Shima et al, hereinafter Shima.

Regarding claim 14, the protector of claim 1, wherein Ying further discloses said cover

comprises a first cover (Fig. 2, 14).

Ying in view of Phillips do not disclose said cover comprises a first cover and a second cover pivotally interconnected to said first cover.

Shima discloses a protector for a portable wireless communication device (Fig. 3) that has a housing (Fig. 3, 2) and a keypad (Fig. 3, 8), said protector comprising: a cover pivotally attached to the housing such that said cover is pivotable from a first position wherein it covers the keypad to another position wherein the keypad is exposed; and antenna attached to said cover (see Fig. 1 and Fig. 2; col. 2, line 64 - col. 3, line 6). Shima further discloses said cover comprises a first cover and a second cover pivotally interconnected to said first cover (col. 3, lines 7-16 and lines 41-55).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the protector of Ying in view of Phillips to include said cover comprising a first cover and second cover as taught by Shima. One of ordinary skill in the art would have been lead to make such a modification by since the first cover and second cover can provide additional protection to said housing.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ying in view of Phillips, as applied to claim 1 above, and in further view of U.S. Patent No. 5,489,924 by Shima et al, hereinafter Shima.

Regarding claim 19, the protector of claim 1, wherein Ying further discloses said cover is not sized relative to the housing such that when the cover is pivoted to said another position, said cover supports the housing in an angular orientation on a surface (Fig. 2, 14).

Ying in view of Phillips do not disclose said cover is sized relative to the housing.

Shima discloses a protector for a portable wireless communication device (Fig. 3) that has a housing (Fig. 3, 2) and a keypad (Fig. 3, 8), said protector comprising: a cover pivotally attached to the housing such that said cover is pivotable from a first position wherein it covers the keypad to another position wherein the keypad is exposed; and antenna attached to said cover (see Fig. 1 and Fig. 2; col. 2, line 64 - col. 3, line 6). Shima further discloses said cover is sized relative to the housing such that when the cover is pivoted to said another position, said cover supports the housing in an angular orientation on a surface (see Fig. 2).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the protector of Ying in view of Phillips to include said cover is sized relative to the housing as taught by Shima. One of ordinary skill in the art would have been lead to make such a modification by since said cover can provide additional protection to said housing.

9. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ying in view of Phillips, as applied to claim 28 above, and in further view of U.S. Patent No. 5,489,924 by Shima et al, hereinafter Shima.

Regarding claim 31, the portable wireless communication device of claim 21, wherein Ying further discloses said cover comprises a first cover (Fig. 2, 14).

Ying in view of Phillips do not disclose said cover comprises a first cover and a second cover pivotally interconnected to said first cover.

Shima discloses a portable wireless communication device (Fig. 3), comprising: a housing (Fig. 3, 2); a keypad supported on said housing (Fig. 3, 8); a cover movably attached to said housing (Fig. 3, 4). Shima further discloses said cover comprises a first cover and a second

cover pivotally interconnected to said first cover (col. 3, lines 7-16 and lines 41-55).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the device of Ying in view of Phillips to include said cover comprising a first cover and second cover as taught by Shima. One of ordinary skill in the art would have been lead to make such a modification by since the first cover and second cover can provide additional protection to said housing.

Response to Arguments

10. Applicant's arguments, see RCE, filed 3-27-2006, with respect to the rejection(s) of claim(s) 1-19, 28-31, 36, and 37 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made. Please see all rejection(s) above.

11. Accordingly, this action is **NON-FINAL**.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent Nos. 5,929,813; 5,986,606; 6,157,819; 6,556,812; 7,031,744

13. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh
June 7, 2006

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600